

Posted: November 4, 1997
4:30 p.m.

Order 97-11-6
Served: November 10, 1997



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation
on the 4th day of November, 1997

Agreement Among Member Carriers of the :
International Air Transport Association : Docket OST-97-2826
concerning cargo services matters : R-1 through R-6

ORDER

The International Air Transport Association (IATA) has filed an agreement with the Department for approval and exemption from the antitrust laws under sections 41309 and 41308 of Title 49 of the United States Code. The agreement was adopted at the First Meeting of IATA's Cargo Business Processes Panel (CBPP) held in Miami during May 6-7, 1997.^{1/}

The agreement consists of a number of amended resolutions and recommended practices (R.P.s) affecting cargo business processes. These changes include the addition of three shipping information boxes to air waybill examples set forth in Resolution 600a and Recommended Practices 1600b, 1600b(II) and 1660s. Carriers may, at their option, enter information into these boxes relating to reservations as well as to product and service categories. Other changes involve the addition of three new service codes, which identify cargo products, and two new "other charges codes", which identify specific charges. Finally, the agreement aligns instructions for the completion of air waybills with the resolution governing carriage of dangerous goods.

Section 41309 of the Code directs us to approve any agreement or modification of an agreement if we find that it will not substantially lessen competition, and is not adverse to the public interest or in violation of the Code. We find that those resolutions and recommended practices, incorporated in the agreement in Docket OST-97-2826 and listed in the attached Appendix, are not adverse to the public interest, in violation of the Code, or likely to lessen competition substantially, and that they should be approved, subject to the conditions imposed below.

Furthermore, we conclude that the approved resolutions and recommended practices contained in the agreement should be granted immunity from the operation of the antitrust laws to the extent necessary to permit their implementation. They amend existing provisions already approved and immunized by the Department. As a result, none raises immunity issues not previously considered, and the conferral of immunity upon them is consistent with our policy of conferring immunity on amendments coextensively with the underlying agreements.

Pursuant to the authority duly assigned under the Department's Regulations 14 CFR 385.13:

1/ IATA memorandum CBPP/Reso/001. In order to implement recommendations proposed by the Mercer Governance Study, IATA amalgamated several Cargo Services Conference (CSC) sub-groups into the Cargo Business Processes Panel (CBPP). The new CBPP has authority to adopt amendments to specified CSC resolutions and recommended practices. These amendments, however, must be submitted to and approved by all affected governments before IATA can declare them effective (See Order 96-9-10, September 9, 1996).

We do not find that Resolutions R-1 through R-8 of the agreement in Docket OST-97-2826, as set forth in attached Appendix, are adverse to the public interest, in violation of the Act, or likely to lessen competition substantially.

ACCORDINGLY,

1. We approve R-1 through R-8 of the agreement in Docket OST-97-2826 as listed in the attached Appendix, under 49 U.S.C. 41309; and
2. To the extent that R-1 through R-8 of the agreement in Docket OST-97-2826 are approved, we exempt any person affected by this order from the operation of the antitrust laws as provided in 49 U.S.C. 41308.

Persons entitled to petition the Department for review of this order, under 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Department of Transportation upon expiration of the above period, unless within such period a petition for review is filed or the Assistant Secretary for Policy and International Affairs gives notice that he will review this order on his own motion.

By:

Paul L. Gretch
Director, Office of International Aviation

(SEAL)

Appendix
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Docket	IATA	Title of IATA	Expiry
OST-97-2826	Designator	Resolution Affected	Date
R-1	CBPP(01)600a	Air Waybill (Amending)	Indefinite
R-2	CBPP(01)670 Procedures	Cargo Interchange Message (Cargo-IMP) (Amending)	Indefinite
R-3	CBPP(01)1600b	Air Waybill and Conditions of Contract in French (Amending)	
R-4	CBPP(01)1600bII	Publication of the Air Waybill and Conditions of Contract in the French Language (Amending)	
R-5	CBPP(01)1600d	Air Waybill Service Codes (Amending)	
R-6	CBPP(01)1600q	Cargo Tracing Procedure (Amending)	
R-7	CBPP(01)1600r	Air Waybill-Validation of Date Format (Amending)	
R-8	CBPP(01)1600s	Substitute Air Waybill (Amending)	